

June 20, 1940.

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ARIZONA ATTORNEY GENERAL

Mr. Wm. Alberts,
State Land Commissioner,
Phoenix, Arizona.

Dear Sir:

I have before me your letter of June 10, 1940 requesting an opinion as to whether or not it is necessary for the Land Department to require the signatures of both husband and wife on an application for an assignment of a lease on State lands.

It is provided by statute that a conveyance or encumbrance of community real estate must be joined in by both husband and wife but that personal property of the community may be disposed of by the husband only. By the great weight of authority leases of lands is held to be personal property and not real property. It is the opinion of this office that it is not necessary to secure the signatures of both husband and wife on an application for the assignment of a lease on State lands.

Yours very truly,

JOE CONWAY,
Attorney General.

W. E. POLLEX,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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